

Attorneys for Plaintiff
John Brown.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN BROWN,

Plaintiff,

VS.

UNITED RENTALS (NORTH AMERICA)
INC., et al.

Defendant(s).

Case No. 2:21-cv-00392-JAM-DMC

STIPULATION; DECLARATION OF
JUSTIN SWIERCZEK; AND ORDER TO
CONTINUE DEFENDANT
UNITED RENTALS (NORTH AMERICA)
INC.'S MOTION TO DISMISS THE
FOURTH CAUSE OF ACTION IN THE
FIRST AMENDED COMPLAINT

Action Filed: March 3, 2021

WHEREAS, on October 21, 2021, Defendant UNITED RENTALS (NORTH AMERICA) INC., (hereinafter “United Rentals”) filed a motion to dismiss under FRCP Rule 12(b)(6) and 12(f);

WHEREAS, Plaintiff JOHN BROWN'S response is due on December 28, 2021;

WHEREAS, the Plaintiff and United Rentals are in agreement to continue the date of motion and the corresponding response date;

WHEREAS, the Plaintiff and United Rentals have met and conferred regarding the motion to dismiss;

1 ACCORDINGLY, IT IS SO STIPULATED, by and between the parties and
2 through their counsel, as follows:

3 1. United Rentals (North America) Inc.

4 Motion to Dismiss be continued to February 22, 2022, or thereafter;

5 1. Plaintiff's deadline to respond to the motion to dismiss is February 8, 2022.

6 Dated: December 28, 2021

ACQUEST LAW, INC.

7 /S/ Nareshwar Singh Virdi

8 Nareshwar S. Virdi
9 Attorneys for Plaintiff
John Brown

10 Dated: December 27, 2021

BOWMAN and BROOKE LLP

11 /S/ Erin Chance

12 Erin Chance
13 Attorneys for Defendants
Takeuchi Mfg. Co. (USA) Ltd.

14 Dated: December 27, 2021

GORDON & REES LLP

15 /S/ Russell M. Mortyn

16 Russell M. Mortyn
17 Attorneys for Defendants
United Rentals (North America) Inc.

18
19 ORDER

20 The above stipulation is GRANTED. The January 11, 2022 hearing on Defendant United
21 Rentals (North America) Inc.'s Motion to Dismiss (ECF No. 31) is VACATED and
22 CONTINUED to March 1, 2022, at 1:30 pm in courtroom 6.

23
24 Dated: December 27, 2021

/s/ John A. Mendez

25 THE HONORABLE JOHN A. MENDEZ
26 UNITED STATES DISTRICT COURT JUDGE
27

DECLARATION OF JUSTIN P. SWIERCZEK

1. I am an attorney at Acquest Law, Inc. the attorneys of record for the Plaintiff in this matter;
2. I am licensed to practice in the State of California. My California State Bar Number is 332847.
3. Since the beginning of December 16, 2021, I have been sick with fever, chills, uncontrollable cough, and body aches.
4. My treating physician is treating me for pneumonia, and I am currently waiting for clearance from an evaluation by a specialist to confirm an issue with my posterior pharynx, and posterior pharyngeal muscles.
5. Because of these health issues, I have not been able to attend my office.
6. I expect to start attending office by January 10, 2022.

I certify, under the penalty of perjury, that the above statements in my declaration are true and correct to the best of my knowledge.

December 27, 2021

/s/ Justin P. Swierczek

Justin P. Swierczek